



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** November 18, 2020

**Agenda Item:** Madison River Recreation Rule

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 2 hours

**Background:** At the Commission meeting on August 13, 2020 the Commission voted to move forward with rulemaking based on two petitions, one from the Fishing Outfitters Association of Montana (FOAM) and the other from the George Grant Chapter of Trout Unlimited, Skyline Sportsmen Association, and Anaconda Sportsmen Association. Both petitions requested the Commission initiate rulemaking to address Recreation Management on the Madison River. A draft rule was created with the Petitioners, and the EA was drafted by the department which combined both petitions and evaluated their environmental impacts.

**Public Involvement Process & Results:** The draft rule and EA were open for public comment from September 25-October 30; a public hearing was held on October 20, and a total of 866 comments were received. There was overwhelming support for rules that would 1) place a cap on fishing outfitter trips, and 2) address non-commercial use on the river. The outfitter trip allocation methodology proposed by FOAM was well supported in principle, but received many comments questioning its fairness and effectiveness. Rest/rotation received many supportive comments, but opponents cited the potential for it to increase crowding. The walk/wade proposal by the sporting groups received much support, but opponents felt that boats are being unfairly discriminated against and the conflict with wade anglers is poorly supported by facts. There was strong support for evaluation of any management actions which are implemented in addition to a need to gather additional information on use. Establishing a workgroup was supported, although concerns were raised about its authority and membership. Public comments have been attached to the commission agenda on the FWP website.

**Alternatives & Analysis:** There are three alternative actions, 1) approve the rule as proposed; 2) amend the proposed rule; or 3) reject the proposed rule in its entirety. Based on public comment there is overwhelming support for recreation management rules on the Madison River; however, the department has coalesced the public comment to propose an amended rule (#2). The amended rule recommends a phased approach where data is collected to better understand recreational use patterns prior to implementation will address uncertainties over the impact and effectiveness of the rest/rotation and walk/wade restrictions. A workgroup is recommended for proposing an outfitter allocation system to the Commission for approval. FWP's proposal is represented in detail in the proposed amended rule language attached to the commission agenda on the FWP website.

**Agency Recommendation & Rationale:** Adopt the rule as amended and proposed in the rule language available with this cover sheet on the FWP website. The amended proposed rule represents an effort to reasonably incorporate diverse public concerns and advocacies as reflected in public comment ultimately to address recreational use on the Madison River.

**Motion:** I move the commission adopt as final the amended Madison River Recreation Rule as presented by the department.